



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/921,714	08/06/2001	Yasuharu Yoshida	Q65726	8770
7590 01/08/2009 SUGHRUE, MION, ZINN, MACPEAK & SEAS 2100 Pennsylvania Avenue, N.W. Washington, DC 20037				
EXAMINER GENACK, MATTHEW W				
ART UNIT 2617		PAPER NUMBER		
MAIL DATE 01/08/2009		DELIVERY MODE PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte YASUHARU YOSHIDA

Application No. 09/921,714
Technology Center 2600

Mailed: January 8, 2009

Before GLORIA HENDERSON, *Review Team Paralegal*
HENDERSON, *Review Team Paralegal*.

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was received electronically at the Board of Patent Appeals and Interferences on August 14, 2008. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matter(s) requiring attention prior to docketing are identified below.

On May 22, 2008, a PTOL-901, in the form of a Supplemental Examiner's Answer was mailed in response to a Reply Brief filed on March 13, 2008.

37 CFR 41.43 states:

Examiner's response to reply brief.

(a)(1) After receipt of a reply brief in compliance with § 41.41, the primary examiner must acknowledge receipt and entry of the reply brief. In addition, the primary examiner may withdraw the final rejection and reopen prosecution or may furnish a supplemental examiner's answer responding to any new issue raised in the reply brief.

(2) A supplemental examiner's answer responding to a reply brief may not include a new ground of rejection.

(b) If a supplemental examiner's answer is furnished by the examiner, appellant may file another reply brief under § 41.41 to any supplemental examiner's answer within two months from the date of the supplemental examiner's answer.

MPEP § 1207.05 states in part..

All Supplemental Examiner's Answers are required to obtain approval of the Technology Center Director or his/her designee. Correction is required.

Further, the Examiner's Answer mailed on July 27, 2007, is missing the following heading for (11) Related Proceeding(s) Appendix.

Before further review, the examiner must mail a PTOL-90 that will include the heading (11) Related Proceeding(s) Appendix. Appropriate correction is required.

Accordingly, it is

ORDERED that the application is electronically returned to the examiner:

1) to vacate the PTOL-90 mailed on January 14, 2008 and May 22, 2008, 2007, to include the approval of the Technology Center Director in accordance with 37 CFR 41.43; and

2) to issue and mail a PTOL-90 adding the heading (11) Related Proceeding(s) Appendix to the Examiner's Answer filed July 27, 2007; and

3) such further action as may be appropriate.

If there are any questions pertaining to this Order, please contact the Board of Patent Appeals and Interferences at 571-272-9797.

GJH

SUGHRUE, MION, ZINN, MACPEAK & SEAS
2100 PENNSYLVANIA AVENUE, N.W.
WASHINGTON, DC 20037